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17. (currently amended) The telephone system according to claim 16 wherein said DSLAM is connected to said switched voice gateway ~~digital switch~~ by way of a fiber optic cable.

18. (original) The telephone system according to claim 17, wherein said local loop transmission facilities further include ~~comprising~~ a main distribution frame and multi-line protector block.

19. (currently amended) The telephone system according to claim 18 further comprising a Digital Loop Carrier (DLC) system connected to and sharing said fiber optic cable, said DLC system ~~network switching facilities~~ further including an optical add/drop multiplexer (ADM)/Central Office Terminal (COT) and a digital cross connect configured to connect said DLC system to said digital switch.

20. (original) The telephone system according to claim 19 wherein said DSLAM and PVD receive uninterrupted, battery back-up power independent of a commercial power source providing power to said subscribers.

21. (original) The telephone system according to claim 10 wherein said PVD is mounted at a distribution cable termination site; aerial, buried, underground or building terminal and is connected to a plurality of subscriber network interfaces via respective drop wires.

22. (original) The telephone system according to claim 10 wherein said digital switch includes a switch module (SM) including a plurality of analog POTS line cards having associated therewith ones of said subscribers.

#### REMARKS

The outstanding objection to the specification and rejections of claims 1 - 22 under 35 USC §112, first paragraph are respectfully traversed. As previously asserted and further supported herein, at the time the present application was filed one skilled in the relevant art of telecommunications systems would have known, given the present disclosure, how to make, obtain, and use a Packet Voice Device (PVD) including:

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1. How to complete calls form the PVDs to subscribers over respective copper loop facilities connecting the PVDs to telephone equipment of subscribers;
2. Convert calls on the DSL circuits to respective analog POTS signals by and at the PVDs;
3. Install DSL at one of more remote DSLAM terminal;
4. How to terminal DSL circuits at respective PVDs located at remote DLSAM terminals; and
5. How to provide voice telephone service to subscribers through respective PVDs and NIDs.

One skilled in the art would readily identify the functionality provided by a PVD as being included within those provided by an IAD, i.e., an Integrated Access Device. That is, while an IAD supports both voice AND data circuits, a PVD need only include support for voice circuits. Thus, an IAD may be used as a PVD as indicated in Applicants' disclosure:

*...IADs (PVDs) may be obtained from commercial sources such as, for example, CopperCom, Inc., Cisco Systems, Inc. XEL Communications, Inc., Jetstream Communications, Inc., Alcatel, Copper Mountain, Lucent, Paradyne, and others.*

U.S. Patent Application Publication No. 20020101851, paragraph [0033].

As further evidence of the commercial availability of IADs (and thereby the functionality required of the claims PVDs), Applicants submit herewith the attached Exhibits of technical articles published prior to the filing date of the instant application. These articles describe, inter alia, Next Generation (NG) Integrated Access Devices (IADs), the availability of IADs from vendors such as those disclosed in the instant application, and a "roundup" of IAD multiplexing techniques, configurations, prices, features, and vendors.

In addition to the overwhelming evidence of the commercial availability of IADs and, therefore, an equivalent device except without need of the support for data circuits, i.e., PVDs, it is further noted that other patents applications, having filing dates prior to that of the

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instant application, refer to and even claim IADs. For example, the following issued U.S. Patents include disclosures of IADs, the indicated patents including explicit recitation of an IAD in one or more claims:

Patent No.	Filing Date	IAD Claimed	Title
6,765,918	6/16/1999		Client/server based architecture for a telecommunications network
6,512,764	7/16/1999	✓	Method and apparatus for providing voice signals to and from a telecommunications switch
6,657,994	8/25/1999		Uninterrupted transfer of voice telephony service to derived voice technology
6,640,239	11/10/1999		Apparatus and method for intelligent scalable switching network
6,404,763	2/11/2000	✓	System and method for communicating telecommunication information between network equipment and a plurality of local loop circuits
6,466,573	2/11/2000	✓	System and method for communicating telecommunication information between a telecommunication switch and customer premises equipment
6,512,762	2/11/2000		System and method for communicating telecommunication information between customer premises equipment and network equipment
6,771,763	4/18/2000		Method and apparatus for providing efficient VoDSL gateway-to-gateway communication
6,574,313	5/12/2000	✓	Voice over DSL method and system for supporting a lifeline
6,546,089	5/26/2000	✓	Method and system for supporting a lifeline associated with voice over DSL
6,704,304	6/6/2000		Selective establishment of telecommunications connections over packet and circuit switched networks
6,788,783	7/24/2000	✓	Digital loop carrier system with enhanced call handling and method
6,839,342	10/9/2000		System and method for interfacing signaling information and voice traffic

Because IADs and, therefore, PVDs, were widely commercially available and otherwise well known to those of ordinary skill in the relevant art, it was unnecessary for Applicants to give further details along the lines now being required by the Examiner. It is well accepted that the specification need not disclose what is well-known to those skilled in the art and preferably omits that which is well-known to those skilled and already available

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to the public. In re Buchner, 929 F.2d 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991); Hybritech, Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 1384, 231 USPQ 81, 94 (Fed. Cir. 1986), cert. denied, 480 U.S. 947 (1987); and Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 1463, 221 USPQ 481, 489 (Fed. Cir. 1984).

The test for enablement of whether a particular claim is supported by the disclosure in an application requires a determination of whether that disclosure, when filed, contained sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art to make and use the claimed invention. The standard for determining whether the specification meets the enablement requirement was decided by the Supreme Court in *Mineral Separation v. Hyde*, 242 U.S. 261, 270 (1916) as follows: is the experimentation needed to practice the invention undue or unreasonable? See also *United States v. Teletronics, Inc.*, 857 F.2d 778, 785, 8 USPQ2d 1217, 1223 (Fed. Cir. 1988) ("The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation."). Thus, as previously stated, a patent need not teach, and preferably omits, what is well known in the art. In re Buchner, 929 F.2d 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991); Hybritech, Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 1384, 231 USPQ 81, 94 (Fed. Cir. 1986), cert. denied, 480 U.S. 947 (1987); and Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 1463, 221 USPQ 481, 489 (Fed. Cir. 1984).

Accordingly, for the reasons presented, it is believed that the present application fully supports all limitations and elements recited by the pending claims including the questioned PVD. Reconsideration and withdrawal of the corresponding objection to the specification and rejection of the claims under 35 USC §112, first paragraph, are respectfully requested.

In connection with the rejection of claims 1-5 under 35 USC §112, second paragraph, it is again asserted that the possibility that the claims cover two different architectures does not render them indefinite, only broad. However, to advance prosecution, claim 1 is amended to address the issues found confusing by the Examiner. Withdrawal of the corresponding rejection of claims 1-5 in view of the amended language is respectfully requested.

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Finally, while it is believed that the prior art fails to teach or suggest the subject matter of the claims, to advance prosecution without disclaimer or prejudice to include claims of broader or other scope supported by the disclosure in a future application, the pending claims are amended to more clearly distinguish the invention over the applied art. In particular, so as to expedite allowance of claims directed to at least one embodiment of the invention, the claims are amended to include method steps and structure directed to the embodiment shown in Figure 1 of the drawings and described at specification pages 10-12. As Frankel fails to teach or suggest a "next generation network" -- data network, softswitch and voice gateway -- to carry the packetized voice data from the DSLAM to a circuit switch that serves the directory number, these claims and the claims dependent therefrom are now believed to be in condition for allowance.

**Summary**

In view of the above amendments to the claims and remarks, Applicants believe the pending application is now in condition for allowance. As the instant Amendment places the Application in condition for allowance without requiring further consideration or search and presents the rejected claims in better form for consideration on appeal, entry thereof and favorable reconsideration of the Application are respectfully requested.

A petition for a one-month extension of time and corresponding fee accompany this Amendment. However, if any additional or other fee is due, please charge our Deposit Account No. 07-2347, from which the undersigned is authorized to draw.

Dated: July 29, 2005

Respectfully submitted,

By 

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